

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

JUL 13 2005

JOHN F. CORCORAN, CLERK
BY: *H. McDonald*
DEPUTY CLERK

UNITED STATES OF AMERICA,
Plaintiff

v.

1999 GMC YUKON
2002 GMC ENVOY
2003 CADILLAC ESCALADE
Defendants

CIVIL NO. 4:04CV00018

**ORDER DIRECTING RELEASE OF SEIZED ASSETS
AND SUBSTITUTION OF A SURETY BOND**

Whereas pursuant to the Complaint for Forfeiture in rem filed herein, the United States gave notice of the forfeiture as to the defendant vehicles;

And whereas it appears that Shirland Fitzgerald, by counsel, filed a timely claim to the defendant vehicles;

And whereas the time has expired for filing a claim or answer herein, and a default judgment is pending as to all persons other than Claimant Fitzgerald;

And whereas the United States and Claimant Fitzgerald, by counsel, have agreed to substitute a bond and return the defendant vehicles to Claimant Fitzgerald so that claimant can liquidate the vehicles to preserve the value of these assets pending completion of the forfeiture proceedings;

WHEREFORE IT IS HEREBY ORDERED THAT:

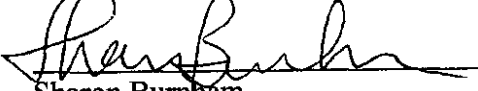
(1) Pursuant to 18 U.S.C. § 983(f)(7)(A)(ii) and Rule E(5)(a) of the Supplemental Rules for Certain Admiralty and Maritime Claims, defendant shall submit a surety bond in bearer form made payable to the U.S. Department of Justice in the sum of \$65,000.00, said sum representing

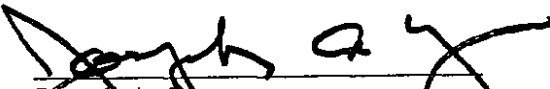
the NADA value of the defendant vehicles. The full value of the bond will be substituted as the res pending resolution of the forfeiture issues via judicial process.

(2) Upon receipt of the surety bond and payment of the applicable outstanding storage and towing costs, which shall be subject to settlement by the parties or resolution by the Court, the U.S. Marshals Service shall release the vehicles to the custody of Claimant Fitzgerald and/or his designee.

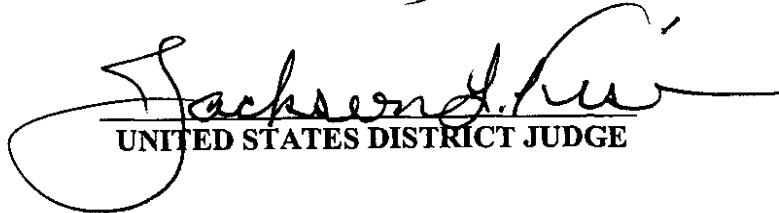
(3) The Clerk of this Court shall certify copies of this Order to the United States Attorney's Office and to Joseph Sanzone, Counsel for Claimant Shirland Fitzgerald.

SEEN AND AGREED:


Sharon Burnham
Executive Assistant U.S. Attorney


Joseph A. Sanzone
Counsel for Claimant Fitzgerald

ENTERED THIS 13th DAY OF July, 2005.


UNITED STATES DISTRICT JUDGE